

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2017 SEP 25 P 12:31

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

PAUL A. BOYNE

Case No. 1:17SW14 ~~Under Seal~~

v.

MJ Theresa C. Buchanan

UNITED STATES OF AMERICA



MOTION FOR ARTICLE III JUDGE DE NOVO REVIEW

The undersigned moves for an Article III tribunal review of magistrate misconduct and unconstitutional acts in the instant case executed under color of a false search warrant application.

Specifically, the undersigned request review of the following:

1. MJ Buchanan found no probable cause recited in the application for warrant.
2. The FBI failed to document a probable cause by the affiant. Non-specific opinion based on a federal employee's dubious 'training & experience' is not probable cause in the legal sense; Fourth Amendment violation.
3. The FBI and USDOJ failed to conform to the ruling of Judge Roger W. Titus, D. Maryland in controlling case, *U.S. v Cassidy*, 814 F.Supp. 2d 574 (2011).
USDOJ and FBI were parties and prosecutors to the exact claim brought in the instant case, yet ignored it and did not present it to the court for consideration in application of warrant. The warrant application presented was the exact



template used in *Cassidy*, where probable cause was established on claim of the agent's dubious 'training and experience'.

4. MJ Buchanan failed to comply with Rule 41 (g) in 'return' of the property. Her demand that the owner 'come and get it', is not rooted in Rule.
5. MJ Buchanan has failed to ensure the seized property was returned as ordered. Government's failing to return all seized property is ignored by Buchanan, making her a conspirator in deprivation of right under 18 USC §241, along with AUSA Fahey and SA Tutty; seized data remains withheld from the undersigned.
6. Return of pleadings delivered to the clerk, received and held in custody of the court is a violation of 18 USC § 2071 by the court employees.
7. Denial of access to the court is not remedy for claim of defect in form of pleading; rather it is judicial terrorism.
8. Pro Se Certification Form required by local rule is a violation of Fourth Amendment and is not a legal requirement to obtain access to the court absent retained counsel. The vagueness of the claim that 'no attorney has prepared or assisted in preparation' creates an unconstitutional standard.
9. There is no SCOTUS case law that holds a watermark of a finger on a pissant court form is 'obscene'.
10. The locally required Pro Se Certification Form is an improper form of regulation requiring citizens to police members of the Bar who may be violating the rules of the court. Unrepresented citizens do not become court police officers in exercising rights to use the court. There are lots of attorneys




in the world, citizens protected by the First Amendment have every right to consult with any of them, all of them or none of them. It is of no business of the court.

11. Sanctions are required against AUSA Fahey, AUSA Singer and USA Dana J. Boente for conspiring with FBI to present a defective application for warrant to the court.
12. The Article III tribunal has cause to confirm that MJ Buchanan never read the warrant application presented on 18 January. She just signed it without review, freely abandoning duties of her office and betraying her oath.
13. Discovery should be allowed and disclosure required to determine the 'new' information obtained by AUSA Singer which caused her to reverse opinion and agree to return the seized property. Such information was not disclosed to the court when Singer withdrew her objection to the return of seized property.
14. MJ Buchanan order [70] of 18 September requiring the clerk to dispose of pleadings with 'obscene picture or hologram' is unconstitutional based on vagueness; violates First Amendment by prior restraint, confers censorship powers upon the clerk; violates equal protection as similar filings are made in other districts without fuss or judicial retaliation.
15. MJ Buchanan's order [70] is criminal conduct upon execution under 18 USC §2071.
16. A de novo review of all motions denied by MJ Buchanan be held, with proper hearing to allow public testimony and opportunity to call witnesses and present evidence of magistrate misconduct and unconstitutional acts.



Wherefore, the aforementioned presented for review by Article III tribunal in defense of the Constitution, protection of rights and in check of tyranny.


Paul A. Boyne, Pro Se



NON CERTIFICATION

Pro Se Abuse

Although there are no obscene pictures or holograms¹ contained in this pleading; I cannot declare under penalty of perjury that:

No attorney has prepared nor assisted in the preparation of this document.

No certification regarding involvement of others can be made as there are several persons who can be called attorneys, private attorney general or similar who are reviewing and commenting on the misconduct of MJ Buchanan, giving rise to this motion.

PAUL A. BOYNE

Name of Pro Se Party (~~Print~~ or Type)

Signature of Pro Se Party

Executed on: 22 September 2017 (Date)

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¹ <http://www.dictionary.com/browse/hologram?s=t>